



COPY OF PAPERS
ORIGINALLY FILED

Atty. Dkt. No. 34495/103

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Downing

Title: APPARATUSES AND METHODS
FOR PERFORMING MINIMALLY
INVASIVE DIAGNOSTIC AND
SURGICAL PROCEDURES INSIDE
OF A BEATING HEART

Appl. No.: 09/881,045

Filing Date: June 15, 2001

Examiner:

Art Unit:

<p>CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.</p> <p>Krisse Simoni (Printed Name)</p> <p><i>Krisse Simoni</i> (Signature)</p> <p>May 10, 2002 (Date of Deposit)</p>
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**PETITION FOR REVIVAL OF APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 C.F.R. § 1.137(b)**

Commissioner for Patents
Box DAC
Washington, D.C. 20231

Attn: OFFICE OF PETITIONS

Sir:

The above-identified application became abandoned for failure to file a timely and proper response to the Office Action mailed on August 22, 2001, which set a three-month period for response.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Required reply and/or fee;
- (2) Petition fee (37 C.F.R. § 1.17(m));
- (3) Statement that the abandonment was unintentional; and
- (4) Any required terminal disclaimer (37 C.F.R. § 1.137(c)).

05/28/2002 AWONDAF1 00000003 061450 09881045

05 FC:241 640.00 CH

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Adjustment date: 07/01/2002 LDIEP1
05/28/2002 AWONDAF1 00000003 061450 09881045
06 FC:228 980.00 CR

(1) Required reply and/or fee.

The reply and required fee in the amount of \$1681 (\$980 for five extensions; \$65 surcharge for filing Response to Missing Parts; \$636 for the application filing fee), by way of charging Foley & Lardner's Deposit Account, for the above-noted Office Action is enclosed herewith.

(2) Petition fee (37 C.F.R. § 1.17(m))

The amount of \$640.00 is authorized to be charged to Foley & Lardner's Deposit Account (the amount stated in 37 C.F.R. § 1.17(m)) to cover the fee for this petition.

(3) Statement that the abandonment was unintentional.

Applicant hereby states that the entire delay in filing the required reply, from the due date for the reply until the filing of this petition, was unintentional.

Applicant claims small entity status under 37 CFR 1.27.

The Commissioner is hereby authorized to charge the combined amounts of \$2321 mentioned above and any additional fees which may be required regarding this communication under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1450.

Respectfully submitted,

Date

May 10, 2002

By

Michael D. Rechtin

FOLEY & LARDNER

Customer Number: 27433



27433

PATENT TRADEMARK OFFICE

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Michael D. Rechtin

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